11-15-04

RCE/3727
IPU

PTO/SB/30 (5/2000)
Approved for use through xx/xx/xxxx. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR **CONTINUED EXAMINATION (RCE) TRANSMITTAL**	Application Number	10/085,343
	Filing Date	02/28/2002
	First Named Inventor	**Jeffrey J. Gratz**
Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Group Art Unit	**3727**
	Examiner Name	**Tri M. Mai**
	Attorney Docket Number	**273.018**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RTE practice.

1. Submission required under 37 C.F.R. § 1.114

   a. [x] Previously submitted

      i. [x] Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ October 12, 2004 _____

      (Any unentered amendment(s) referred to above will be entered).

      ii. [ ] Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      iii. [ ] Other _____

   b. [ ] Enclosed

      i. [ ] Amendment/Reply

      ii. [ ] Affidavit(s)/Declaration(s)

      iii. [ ] Information Disclosure Statement (IDS)

      iv. [ ] Other _____

2. Miscellaneous

   a. [ ] Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for

      a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

   b. [ ] Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

   a. [ ] The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 05-1170

      i. [X] RCE fee required under 37 C.F.R. § 1.17(e)

      ii. [ ] One Month Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) (small entity)

      iii. [ ] Other _____

   b. [X] Check in the amount of $ 395.00 enclosed.

   c. [ ] Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	PETER C. STOMMA	Registration No. (Attorney/Agent)	36,020
Signature		Date	November 12, 2004

CERTIFICATE OF EXPRESS MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as EXPRESS MAIL - POST OFFICE ADDRESSEE, in an envelope addressed to: Mail Stop – Box RCE – Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450 on the 12th. day of November, 2004. The Express Label is EV339661674US.

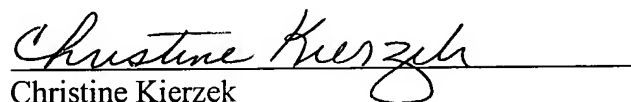| Name (Print/Type)	Christine Kierzek		
Signature		Date	November 12, 2004

Page 1 of 1

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Certification Under 37 CFR 1.10

Express Mail Label No: **EV3396616741US**   Date of Deposit: **November 12, 2004**

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service in "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop – Box RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Christine Kierzek
Christine Kierzek

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PTO/SB/17 (11-01)
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FEE TRANSMITTAL
for FY 2004

Patent fees are subject to annual revision.

NOV 1 2 2004

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TOTAL AMOUNT OF PAYMENT | $395.00

Complete if Known	
Application Number	10/085,343
Filing Date	02/28/2002
First Named Inventor	Jeffrey J. Gratz
Examiner Name	Tri M. Mai
Group Art Unit	3727
Attorney Docket No.	273.018

METHOD OF PAYMENT *(check all that apply)*

[X] Check   ☐ Credit card   ☐ Money Order   ☐ Other   ☐ None

[x] Applicant Claims Small Entity status. See 37 CFR 1.27

☐ Deposit Account

Deposit Account Number	50-1170
Deposit Account Name	Boyle, Fredrickson, Newholm, Stein & Gratz S.C.

The Commissioner is authorized to: *(check all that apply)*

☐ Charge fee(s) indicated below   [X] Credit any overpayments

[X] Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description	Fee Paid
101	770	201	385	Utility filing fee	
106	340	206	170	Design filing fee	
107	530	207	265	Plant filing fee	
108	770	208	385	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) | ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below		Fee Paid
Total Claims	12 -20**= 0	X		=	0
Independent Claims	2 - 3**= 0	X		=	0
Multiple Dependent				=	

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	86	202	43	Independent claims in excess of 3
104	290	204	145	Multiple dependent claim, if not paid
109	86	209	43	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) | ($)0.00

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee	Fee	Small Entity Fee	Fee		Fee Paid
105	130	205	65	Surcharge – late filing fee or oath	
127	50	227	25	Surcharge – late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for *ex parte* reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	420	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,280	241	640	Petition to revive – unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	790	279	395	Request for Continued Examination (RCE)	395
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) | $395.00

SUBMITTED BY

Complete *(if applicable)*

Name (Print/Type)	PETER C. STOMMA	Registration No. (Attorney/Agent)	36,020	Telephone	(414) 225-6306
Signature				Date	11/12/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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